

LABOR SERVICES DIVISION[875]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 88.5, the Labor Commissioner hereby gives Notice of Intended Action to amend Chapter 4, “Recording and Reporting Occupational Injuries and Illnesses,” Iowa Administrative Code.

The proposed amendment adopts by reference changes to federal occupational safety and health regulations governing record keeping and reporting. The federal changes update the list of industries that are exempt from record-keeping requirements due to low occupational injury and illness rates. The new federal regulation also eliminates the requirement for an employer to report a catastrophe and instead requires an employer to report a work-related hospitalization, amputation, or loss of an eye. The amendment changes the instructions for reporting incidents to the Iowa Division of Labor Services.

The principal reasons for adoption of this amendment are to implement legislative intent, protect the safety and health of Iowa workers, allow facsimile reporting, and make Iowa’s regulations current and consistent with federal regulations. Pursuant to 29 CFR 1904.37 and 1952.4, Iowa must adopt changes to the federal occupational safety and health record-keeping and reporting regulations.

If requested in accordance with Iowa Code section 17A.4(1)“b” by the close of business on November 4, 2014, a public hearing will be held on November 5, 2014, at 2:30 p.m. in the Capitol View Room at 1000 East Grand Avenue, Des Moines, Iowa. Interested persons will be given the opportunity to make oral statements and file documents concerning the proposed amendment. The facility for the oral presentations is accessible to and functional for persons with physical disabilities. Persons who have special requirements should call (515)281-5915 in advance to arrange access or other needed services.

Written data, views, or arguments to be considered in adoption shall be submitted no later than November 5, 2014, to Division of Labor Services, 1000 East Grand Avenue, Des Moines, Iowa 50319-0209. Comments may be sent electronically to kathleen.uehling@iwd.iowa.gov.

No variance procedures are included in this rule. Variances procedures are set forth in 875—Chapter 5. After analysis and review of this rule making, no impact on jobs will occur.

This amendment is intended to implement Iowa Code section 88.5 and 29 CFR 1904.37 and 1952.4. The following amendment is proposed.

Rescind rule 875—4.3(88) and adopt the following new rule in lieu thereof:

875—4.3(88) Recording and reporting regulations. Except as noted in this rule, the Federal Occupational Safety and Health Administration regulations at 29 CFR Sections 1904.0 through 1904.46 as published at 66 Fed. Reg. 6122 to 6135 (January 19, 2001) are adopted.

4.3(1) The following amendments to 29 CFR Sections 1904.0 through 1904.46 are adopted:

- a. 66 Fed. Reg. 52031-52034 (October 12, 2001)
- b. 67 Fed. Reg. 44047 (July 1, 2002)
- c. 67 Fed. Reg. 77170 (December 17, 2002)
- d. 68 Fed. Reg. 38606 (June 30, 2003)
- e. 79 Fed. Reg. 56186 (September 18, 2014)

4.3(2) In addition to the reporting methods set forth in 29 CFR 1904.39(a), employers may make reports required by 29 CFR 1904.39 using at least one of the following methods:

- a. Calling (877)242-6742;
- b. Sending a fax to (515)242-5076; or

c. Visiting 1000 E. Grand Avenue, Des Moines, Iowa.